



**CHEATHAM COUNTY BOARD OF ZONING APPEALS
MINUTES FOR NOVEMBER 26, 2012**

Meeting was called to order at 6:00 p.m. by Chairman Larry Nash.

Chairman Larry Nash called for the roll to be taken.

Building Director Chris Atkins called the roll of members.

Members Present: Larry Nash, Roy Miles, Mary Sneed and Burt Adcock

Members Absent: Mark Whitworth

Chairman Nash declared a quorum present.

Others Present: Building Director Chris Atkins, County Attorney Alan Johnson, Martha Parks, Larry Parks, Julia Warren, Sam Warren, Laurie Perez, Lisa Ford Rey, Carrie Taylor, Ann Taylor, Christy Taylor-Pack and Glenn Taylor

Burt Adcock led the Pledge of Allegiance.

Roy Miles led the Prayer.

Approval of Minutes and Agenda:

Chairman Nash asked if there was a motion to approve the minutes for the October 22, 2012 meeting and the agenda for tonight's meeting. ****Motion**** made by Ms. Sneed to approve the Minutes for the October 22, 2012 meeting and the Agenda for tonight's meeting as presented and circulated; second by Mr. Miles. Voice vote carried unanimously by all present. Motion Passed; Minutes for the Last Meeting and the Agenda for Tonight's Meeting Approved as Presented and Circulated.

Agenda Items To Be Heard:

1. Mr. Rick Larue requesting a variance of 10' from the 50' minimum required access width onto a public street in order to construct a new stick-built dwelling. This is in reference to the Cheatham County Zoning Resolution 3.030, 8.050 and 8.060. Property is located on Madrid Ct., Ashland City, TN; Map 50E, Parcel 5.00 and is zoned R-2. Property is in the 1st voting district and is not in a flood area.
2. Ms. Carrie L. Taylor requesting a variance of 13.65 acres from the 15 acre minimum required area for construction of an accessory structure prior to construction of a primary dwelling on a parcel. This is in reference to the Cheatham County Zoning Resolution Section 3.100 (F), 8.050 and 8.060. Property is located on Campbell Ridge Road, Kingston Springs, TN; Map 98, Parcel 309.00 and is zoned E-1. Property is in the 6th voting district and is not in a flood area.

ITEM #1: Chairman Nash read the item into the record. Chairman Nash asked Mr. Larue to speak. Mr. Larue stated he has a house he is moving from West Nashville that he would like to move onto this lot. Building Director Atkins explained that this lot is located in the old Spanish Trails subdivision that predates our current zoning resolution and is a lot of record. He further

explained that a modification to the plat was done about two years after the original plat in order to provide an extra "dog-leg" access for this lot and a couple of others. He further explained that Seville Road shown on the plat has never been constructed and, therefore, he would not recommend anyone be allowed to build on the lots of record served by the proposed Seville Road until it is constructed and none of the lots served by this "dog-leg" portion of Madrid Court should be allowed to use the proposed Seville Road area either for access directly to Bandy Road; only utilizing the existing Madrid Court to access Granada Road then Bandy Road. He further stated that the existing Madrid Court already serves two homes. Ms. Sneed asked for clarification on the drawings and plats she was looking at. Building Director Atkins did so. Discussion was had concerning the different lots along the Madrid Court area. Building Director Atkins stated that Mr. Larue will need to sign a statement attesting to taking part in the maintenance of Madrid Court since it is a public way, but **not** a county-maintained road. Chairman Nash acknowledged Ms. Lisa Ray to speak. She stated that her only concern was the maintenance issue of Madrid Court and that was addressed just now. She stated that she owned property on Madrid Court. ****Motion** was made by Mr. Miles to grant a variance of 10' from the 50' minimum required access width onto a public street in order to construct a new stick-built dwelling on the subject parcel in accordance with Section 8.060 (C) (3,5,6 and 7) of the Cheatham County Zoning Resolution. This approval is also subject to the establishment of a common maintenance agreement with the other affected property owners who have access by Madrid Court for the maintenance of Madrid Court; second by Mr. Adcock. Roll Call Vote Taken; Voting Yes – Larry Nash, Roy Miles, Mary Sneed and Burt Adcock; Voting No – None; Absent – Mark Whitworth; Motion Passed; Variance Approved.**

ITEM #2: Building Director Atkins directed all interested parties to this item into the conference room. Chairman Nash read the item into the record. The applicant, Ms. Carrie Taylor, presented her case to the board. She stated she had to move back home with her parents because of being diagnosed with cancer and the barn is for the storage of her things on the subject property next door to her parents. She stated that the barn is mostly completed and she did perform it's construction so far without a building permit. Chairman Nash asked the rest of the audience to address the board in order and introduce themselves prior to speaking. Ms. Parks spoke from Campbell Ridge Road and is a common property owner to the subject parcel. She called the barn a monstrosity. She said that the barn is too big and asked if there is a limit to how large the barn can be. Building Director Atkins responded no except that the total footprint coverage for all structures on a parcel in this zone is limited to 20% of the total parcel's area and 35 feet in height. Mr. Parks commented that Mr. Taylor, the applicant's father, is running a business from the barn. The Parks and the Taylors commented back and forth to each other. Chairman Nash reestablished order to the meeting and stated that all commentary will be directed to this board. Ms. Parks questioned the setback of the barn. Building Director Atkins stated that the minimum setback for accessory structures is 5' from the side and rear property lines and the barn appears to be more than such from the common side property line as staked in the field. The placement of a couple of temporary structures was

questioned. Building Director Atkins stated that they will have to be moved if they encroach. The board members review pictures and tax maps provided by the Building Department. Mr. Sam Warren spoke to mention the existing green metal storage building across the street with no screening and right out in the open. He stated if that building is ok, the subject barn is not an issue because it is smaller, well from the road and screened by forest. He stated the beef with conformance should be with that building and not the one that is the subject of this meeting. The applicant's sister introduced herself. Ms. Warren spoke concerning the building coverage percentage and believed everyone has violated that requirement. Building Director Atkins responded that it takes a lot more building area than none would think. He continued by saying that a typical one acre lot would allow 8,712 square feet of building footprint area, which is a lot more coverage than most people would think. Building Director Atkins stated the issues of garbage, trash and excess dirt are ancillary issues and not the subject of this hearing, but must be addressed by the applicant. The issue is whether the barn is going to be allowed to be constructed prior to the dwelling. As to the accusation of the applicant's father running a business out of the barn, that is also a separate issue. All such being said, Building Director Atkins stated that he was in favor of the granting of the variance. Building Director Atkins pointed out that there is a free-flowing creek running behind this parcel and both adjacent parcels that hinders the location of structures. Mr. Adcock asked what has been the largest variance granted by this board. Chairman Nash responded that the size in this case is not really relevant. County Attorney Alan Johnson brought up the applicability of the recent amendment that was found in regards to lots of record not conforming only to the lot size requirements of the zoning resolution. Discussion was had as to if such trumps Section 3.100 (F) and gives the applicant the right to do such aside from this board and restrictive covenants' applicability. Ms. Sneed asked what would happen if they do not get the variance. Building Director Atkins said the applicant would have to remove the barn. The issue of whether the barn is in existence or not at this time is immaterial to the issue at hand unless they fail to get the variance. Building Director Atkins pointed out the creek being an impactful topographic element to the parcel. Mr. Miles asked if there was another buildable area on the parcel. Building Director Atkins responded that constructing the barn where it is leaves plenty of room to construct a dwelling in the future in front of the barn and in compliance with the zoning resolution. The applicant stated that it is her intention to build a home on the parcel. ****Motion** made by Ms. Sneed to grant a variance of 13.65 acres from the 15 acre required minimum area in order to allow construction of an accessory structure prior to the construction of the primary dwelling as found in Section 3.100 (F) of the Cheatham County Zoning Resolution. This variance is granted in accordance with Section 8.060 (C) (1, 5 and 6) of the Cheatham County Zoning Resolution. This variance is granted with the understanding that such may not be necessary given the amendment to said zoning resolution that took place on November 18, 1991 that modified Section 7.040 (A) concerning lots of record meeting the required minimum lot sizes of the zoning resolution that existed prior to the enactment of the zoning resolution; second by Mr. Adcock. Roll Call Vote Taken; Voting Yes – Roy Miles, Mary Sneed, Burt Adcock and Larry Nash; Voting No – None; Absent – Mark Whitworth. Motion Passed; Variance Approved**

Having no further business, ****motion** was made to adjourn by Mr. Miles; second by Mr. Adcock. Voice vote carried unanimously by all members present. Meeting adjourned.

**ROY MILES, III – SECRETARY
CHEATHAM COUNTY BOARD OF ZONING APPEALS**